

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

**AMBULATORY SURGICAL SERVICES,
INC. AND MARK S. ETTER, M.D.**

Plaintiff,

v.

**ABINGTON MEMORIAL HOSPITAL AND
ABINGTON MEMORIAL HOSPITAL
FOUNDATION,**

Defendants.

CIVIL ACTION NO 08-01225-RB

JURY TRIAL DEMANDED

**STIPULATION OF DISMISSAL PURSUANT TO
FEDERAL RULE OF CIVIL PROCEDURE 41(a)(1)(A)(ii)**

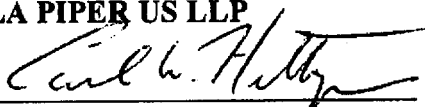
The parties to the above-captioned action, Plaintiffs Ambulatory Surgical Services, Inc. and Mark S. Etter, M.D., and Defendants Abington Memorial Hospital and Abington Memorial Hospital Foundation (collectively, "the Parties"), by and through their undersigned counsel, hereby report that this action has been resolved and settled pursuant to the terms of a Settlement Agreement and Mutual General Release executed by the Parties on November 18, 2008.

Therefore, the Parties hereby stipulate and agree pursuant to Federal Rule of Civil Procedure 41(a)(1)(A)(ii) that this action hereby be **DISMISSED WITH PREJUDICE**, without costs and attorneys' fees.

SO EXECUTED, this 3rd of ^{December}~~November~~, 2008.

DLA PIPER US LLP

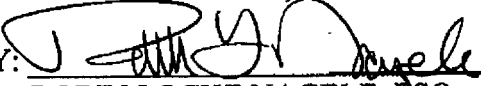
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APPROVED:

12/3/08



J.